

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

HEATHER LOOBY,

Plaintiff,

v.

Case No. 6:19-cv-1272-Orl-37GJK

PHYSICIANS RESOURCE LLC; and  
ROCHELLE CANNON,

Defendants.

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**ORDER**

Plaintiff sued her former employers for failure to pay overtime and other damages under the Fair Labor Standards Act ("**FLSA**"). (See Doc. 1.) The parties moved for approval of their FLSA settlement agreement under *Lynn's Food Stores, Inc. v. United States ex rel. United States Department of Labor*, 679 F.2d 1350, 1355 (11th Cir. 1982). (Doc. 21 ("**Motion**"); Doc. 21-1 ("**Agreement**").) On referral, U.S. Magistrate Judge Thomas B. Smith recommends the Motion be denied for reasons including but not limited to the overbroad release and estoppel provision of the Agreement and the provision that, in the event of a breach, the non-breaching party "will be entitled to specific performance and/or a temporary or permanent injunction prohibiting and enjoining the breaching Party from violating this Agreement." (Doc. 24 ("**R&R**").)

The parties did not object to the R&R, and the time for doing so has now passed. The Court has examined the R&R only for clear error. See *Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan. 28, 2016); see also *Macort v.*

*Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 24) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The parties' Renewed Joint Motion for Approval of Settlement (Doc. 21) is **DENIED**.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on January 6, 2020.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record